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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,444	02/06/2002	Giovanni M. Della-Libera	003797.00212	9546
28319	7590	03/31/2006	EXAMINER	
BANNER & WITCOFF LTD., ATTORNEYS FOR CLIENT NOS. 003797 & 013797 1001 G STREET , N.W. SUITE 1100 WASHINGTON, DC 20001-4597			HOMAYOUNMEHR, FARID	
		ART UNIT		PAPER NUMBER
		2132		
DATE MAILED: 03/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/068,444	DELLA-LIBERA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Farid Homayounmehr	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 1/13/2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
  - 4a) Of the above claim(s) 22-32 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/20/2005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. This action is responsive to communications: application, filed 2/6/2002; amendment filed 1/13/2006.
2. Claims 1-21 are pending in the case. Claims 22-32 are cancelled. Claim 1 is the only independent claim.

***Information Disclosure Statement PTO-1449***

The Information Disclosure Statements submitted by applicant on 12/20/2005, has been considered. Please see attached PTO-1449.

***Response to Arguments***

3. Applicant's arguments filed 1/13/2006 have been fully considered but are not persuasive.
  - 3.1. Applicant has amended claim number 1 to include "a security protocol independent security policy language". Applicant believes that the amendment puts claim 1 in the condition of allowability, and therefore all dependent claims are allowable as well. Applicant argues that Rothermel does not teach or suggest using a security

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protocol independent security policy language to create such policy. Applicant argues that Rothermel discloses a system in which the security policy must use the existing security protocols utilized by network security devices and cannot provide interoperability or support multiple cryptographic technologies.

However, Rothermel does disclose a security protocol independent security policy language. Rothermel's security policy template (Fig.1 item 113, and column 7 line 3 to 7) is independent of the specific security devices and protocols. Applicant's figures 6 and 7 and associated text indicate that the protocol independent policy is configured according to the specifics of the security component, before it is sent to the security component for execution. In the same way, Rothermel creates a security policy template (column 7 line 3 to 57) and combine that with the specific attributes of the protocols running in NSDs (column 10 line 47 to 65) to create a security policy. The security policy is compatible with NSD, but the template is independent of the protocols. In addition, according to Fig. 3C, the Security Policy Manager Device (Fig. 2 item 110) allows creation of templates configured for multiple different protocols. This shows Rothermel's policy language must be independent from all protocols, so it could be configured (at later stages) according to different protocol specifics.

Referring to paragraphs 6 and 43, the applicant argues that a protocol independent security policy supports multiple cryptographic protocols and interoperability. Rothermel's system also supports interoperability and multiple protocols. Column 13

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line 30 to column 14 line 13 disclose Rothermel system's interoperability with multiple OS's, application software and protocols, which makes it more evident that the security language is not dependent on any specific device or protocol.

Therefore, Rothermel discloses a security protocol independent security policy, and claim 1 is rejected under 35 USC 102(b). All claims dependent on claim 1 are also rejected.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 3, and 5 to 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rothermel (U.S. Patent No. 6678827).

5.1. As per claim 1, Rothermel is directed to a distributed security system (Fig. 1 and column 4 line 63 to column 5 line 13) comprising:

a security policy written in a security protocol independent (column 7 line 3 to 57 disclose that the Security Policy Manager Device allows a user to create a

security template independent of security protocols running in NSDs. The template will be configured based on NSD protocols to create a security policy compatible with NSD, once the template is loaded on NSDs. Therefore the security policy language used at the Security Policy Manager Device must be independent of the security protocols of NSDs) policy language (column 4 line 65 to column 5 line 3) and a least one computer device that process the data in accordance with security policy (Fig 2 and column 8 line 49 to 65).

- 5.2. As per claim 2, Rothermel is directed to the distributed security system of claim 1, wherein:  
the security policy identifies the components of the security system (column 5 line 14 to 25).
- 5.3. As per claim 3, Rothermel is directed to the distributed security system of claim 1, wherein:  
the security policy identifies the access rights of the security system (column 11 line 18 to 45).
- 5.4. As per claim 5, Rothermel is directed to the distributed security system of claim 1, wherein:  
the security policy is configurable (column 7 line 25 to 37).

5.5. As per claim 6, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy language comprises at least some logic based components.

As shown in Fig. 3G and column 11 line 45 to 60, the security policy creation template allows the manager to select network security information using radio buttons. Radio buttons corresponds to XOR logic. Therefore, the Examiner asserts that Rothermel policy templates include logic-based components.

5.6. As per claim 7, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy language comprises at least some rule-based components.

As shown in Fig. 3D-F and column 11 line 9 to 45, the security policy creation template allows the manager to set the access rules for ping services. Therefore, the Examiner asserts that Rothermel policy templates include ruled-based components.

5.7. As per claim 8, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy language comprises procedural components. As shown in Fig. 3B and column 10 line 24 to 45, a security policy is created based on a procedure of using the policy template and completion of the policy by including

network topology attributes. Therefore, the Examiner asserts that Rothermel policy templates include procedural components.

5.8. As per claim 9, Rothermel is directed to the distributed security system of claim 1, wherein:

the computer device is configured with computer-executable instructions to: receive from the first entity a message formatted in a first protocol and transmit to second entity the message formatted in the second protocol that is different from the first protocol (Fig. 6 and column 13 line 30 to 67, and Fig 6 column 13 line 30 to column 14 line 50)

5.9. As per claim 10, Rothermel is directed to the distributed security system of claim 9, wherein:

the computer device is configured with computer-executable instructions to: receive from the first entity a message transported with a first transport; and transmit to second entity the message formatted in the second transport that is different from the first transport (column 16 line 48 to 62, and Fig 6 column 13 line 30 to column 14 line 50)

5.10. As per claim 11 Rothermel is directed to the distributed security system of claim 1, wherein:

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the security policy is implemented in at least one application programming interface (column 13 line 42 to 67).

5.11. As per claim 12 Rothermel is directed to the distributed security system of claim 1, wherein:

the security language includes programming language constructs (column 13 line 42 to 60).

5.12. As per claim 13 Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy includes an identify service (Fig. 6 item 640 and column 13 line 45 to 50).

5.13. As per claim 14, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy includes an admission service (Fig. 6 item 630, the firewall will block or admit packets)

5.14. As per claim 15 Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy includes a permission service (Fig. 3d and column 11 line 9 to 15).

5.15. As per claim 16 Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy includes a revocation service. As indicated in Fig. 3F, the security policy can be configured to allow or disallow a user to access a certain service, such as Ping. Changing the policy to disallow a user to continue accessing a service is analogous to revocation of a right, and therefore works as a revocation service.

5.16. As per claim 17 Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy includes a mapping of entities to rights. As described in Fig. 3B and column 10 line 27 to 65, the policy is created based on security template and attributes of each entity. One of the attributes of each entity is its rights. Therefore, a policy is created based on the rights of each entity. This discloses the feature.

5.17. As per claim 18, Rothermel is directed to the distributed security system of claim 17, wherein:

the security policy further includes a mapping of entities to capabilities. As described in Fig. 3B and column 10 line 27 to 65, the policy is created based on security template and attributes of each entity. One of the attributes of each entity

is its capabilities. Therefore, a policy is created based on the capabilities of each entity. This discloses the feature.

5.18 As per claim 19, Rothermel is directed to the distributed security system of claim 1, wherein:

the security policy is configured to invoke external computer-readable instructions (Fig. 6 and column 13 line 30 to 50).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothermel as applied to claim 1 above, and further in view of Saulpaugh (U.S. Patent No. 6850979).

7.1 As per claim 4, Rothermel is directed to the distributed security system of claim 1, however, it does not include the specific limitation of security policy language comprises the extensible markup language. Saulpaugh teaches a

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method for creating message gates, useful for controlling the level of security access the client has to the services (column 7 line 36 to 55). Saulpaugh introduces the benefits of using extensible markup language (XML) to create messages gates (column 7 line 19 to 36, column 15 line 62 to column 16 line 35).

Rothermel and Saulpaugh are analogous art because they are both related to distributed security systems and secure exchange of data between distributed network elements and devices.

At the time of invention, it would have been obvious to a skilled person in the art to improve the way that Rothermel distributes security policies between the security manager and the security devices (which in essence, is exchanging a message) using XML comprised message gates as directed by Saulpaugh.

The motivation to do so would have been to improve the security of policy exchange between the security policy manager and network security devices using a standard message exchange language that is interoperable among multiple platforms.

Therefore, it would have been obvious to use XML to create and exchange security policies.

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7.2. As per claim 20, Rothermel is directed to the distributed security system of claim 19, however, it does not include the specific limitation of external computer readable instructions comprise native process code. Saulpaugh teaches a method for creating message gates, useful for invoking programs in computer native language (column 14 line 29 to 42).

Rothermel and Saulpaugh are analogous art because they are both related to distributed security systems and secure exchange of data between distributed network elements and devices.

At the time of invention, it would have been obvious to a skilled person in the art to improve the distributed security system of Rothermel to be capable of invoking programs in computer native language, as described by Saulpaugh.

The motivation to do so would have been to extend the system's range of interoperability to include systems working with machine native language.

7.3. As per claim 21, Rothermel is directed to the distributed security system of claim 19, however, it does not include the specific limitation of external computer readable instructions comprise Java code. Saulpaugh teaches a method for creating message gates, useful for invoking programs in Java code (column 14 line 29 to 42).

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Rothermel and Saulpaugh are analogous art because they are both related to distributed security systems and secure exchange of data between distributed network elements and devices.

At the time of invention, it would have been obvious to a skilled person in the art to improve the distributed security system of Rothermel to be capable of invoking programs in Java code, as described by Saulpaugh.

The motivation to do so would have been to extend the system's range of interoperability to include systems working with Java code.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is (571) 272-3937. The examiner can be normally reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Farid Homayounmehr**

11/1/2005

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